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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/565,819

**Applicant(s)**

TEN KATE ET AL.

**Examiner**

FARZANA HUQ

**Art Unit**

2455

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is responsive to the application filed on January 27, 2009. Claims 1-3, 5, 8, 13-15, and 18-20 are amended. The examiner withdraws specification objection and 35 U.S.C. 101 rejection as necessary corrections were made the claims.

Claims 1-20 are pending.

***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 27, 2009 has been entered.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation, "if there is no access to the local content title, the server content item can not rendered" is unclear. The limitation is unclear and confusing as presented that if local content title is presented on the local content then it may or may not be accessible. If the local content did not have the content title to begin with then there should not be any option for not accessing because it is not presented on the local content therefore, the server content can not be rendered. Once it is presented then it is always accessible either locally or pulling additional

content from the server. Applicant failed to show and specifically point out any further details and claim the subject matter which applicant regards as the invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is important to note that independent claims 1, 18 and 19, dependent claims 5, 10-14, 16, and 17 are replete with intended use recitations. The claim does not require anything new in that the limitations are "configured to", "according to", "operable to", etc. perform steps that practically any computer can be configured to perform. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Applicant failed to specifically point out any further contentions and thus failed to claim the subject matter which applicant regards as the invention.

5. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation "local content title is determined based on a comparison with the medium identifier", as indefinite and unclear. Applicant should clarify what is meant by comparison with the medium identifier, and distinctly claim the subject matter as regards as the invention.

#### ***Response to Arguments***

6. Applicant's arguments filed 01/27/2009 have been fully considered but they are not persuasive.

Applicant argues that:

A) Applicant argues that teaching of Lamkin fails to disclose or suggest “each bookmark includes a server content locator and a local content identifier to link a local content item to a related server content item.”

Examiner respectfully disagrees. Lamkin discloses that from the stored bookmark a link is provided to access external content upon proper credentials from the local content. Information are provided to users from online content accessed via the disk where interested users connect to website by sending commands to get additional content of the same local content (paragraph [0130, 0182]). In order to find related or additional content of that particular content from the local disk, it provides bookmark information where linking from local content to external content for additional information. A link is associated with local content identifier, (e.g., content titles) which includes unique ID generated by local hardware based on hashing algorithm. Bookmark maintains information between local and server content by storing general parameter for a specific title, therefore, when new information is required by user it checks if the related links to the external has update if so then information is provided (paragraphs [0130, 0182, 0222-223, 0213, 0237]). Therefore, Lamkin teaches the above limitation.

B) In response to the argument presented on page 16, the examiner disagrees and believes all those limitations are taught by the prior art. Lamkin discloses that user accessing additional information from locally stored media content combined with remote media content by use of proper content identifier of the content associated with bookmark. Since applicant did not provide sufficient reasons how those limitations are not disclosed, examiner believes the cited portion is still taught by the prior art. In Lamkin, several section discloses if internet connection

is not required for user to access further information then content will only originates from local disk (paragraph [0038, 0073]). Additionally, if there is not any local title present in the local disk that means there would not be any access to the server for it's content. For further clarification of the limitation above, if there is no option for user to access local content title then obviously it is not required or necessary to access server content item, because there would not be any bookmark or link that will extend it's information to outside source.

C) Applicant argues that, Lamkin does not disclose “wherein if a bookmark is not selectable, the bookmark is presented grayed to indicate that is not selectable.”

The prior art, Lamkin, discloses that if there is an active internet connection of the title to the web content then the information is displayed, if not, then it is displayed from the local content (paragraphs [0073, 0172]). Although, the prior art does not explicitly discloses and it is well known in the art that information is grayed or to any other color to be inactive or disable to indicate that it is not selectable, the examiner has provided additional art to support the argument above in the rejection.

D) As to the applicant's assertions in response to the argument on page 15 and 17 in the remark, that the prior art, Lamkin, fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “conditional access to server content based on identification of the local content”, and “restricting access to server content if there is no access to a local content title”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Therefore, Lamkin and Evans still meet the scope of the limitations as currently claimed.

Furthermore, as it is Applicant's right to continue to claim as broadly as possible their invention, it is also the Examiner's right to continue to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique. By the rejection above, the applicant must submit amendments to the claims in order to distinguish over the prior art use in the rejection that discloses different features of Applicant's claimed invention.

7. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-8, 10-17, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lamkin et al. hereinafter Lamkin (U.S. Publication 2002/0078144).

Lamkin teaches the invention as claimed including presentation of media content from multiple media (see abstract).

9. As per claim 1, Lamkin discloses a system comprising: a rendering apparatus; a server, and a network to enable communication between the rendering apparatus and the server (figure 2, paragraphs [0037]); to enable the server provides access to server content that includes separately accessible content server items identified by respective server content locators

(paragraphs [0037, 0065, 0103, 0129, 0165, 0237]); wherein the rendering apparatus provides access to local content wherein titles of the local content are associated with respective local content identifiers; wherein the rendering apparatus is operative to render local content items of the local content and to render server content items that relate to the local content items (paragraphs [0062, 0065, 0095, 0165, 0172, 0221, 0222]); wherein the system is operative to generate and to store a list of bookmarks, wherein each bookmark in the list of bookmarks includes a server content locator and a local content identifier to link a local content item to a related server content item (paragraphs [0104, 0130, 0134, 0137, 0166, 0172, 0205, 0206, 0237]); and wherein the rendering apparatus is operative to present the stored list of bookmarks to a user for selection of a bookmark and render a server content item indicated by the server content locator of a user-selected bookmark conditional on having access to a local content title associated with the local content identifier of the user-selected bookmark, wherein if there is no access to the local content title, the server content item can not be render (paragraphs [0038, 0095, 0103-104, 0205-206, 130, 182, 0222-223, 0213, 0237]).

10. As per claim 3, Lamkin discloses a system wherein a bookmark is selectable only if the rendering apparatus has access to a local content title associated with the local content identifier of the bookmark and wherein access to the local content is determined based on a comparison with a hast of statistically unique data of the local content title (paragraphs [0062, 0065, 0095, 0134, 0165, 170-0172, 0221, 0222]).

11. As per claim 4, Lamkin discloses a system wherein the rendering apparatus includes a user interface for presenting bookmarks to a user organized according to the respective local



content identifiers of the bookmarks (paragraphs [0037-0038, 0062, 0095, 0102, 0165, 0172, 0221, 0222]).

12. As per claim 5, Lamkin discloses a system wherein the rendering apparatus is operative to render both a server content item indicated by the server content locator of a user-selected bookmark in synchronization with rendering the local content title associated with the local content identifier of the bookmark in response to user selection of the user-selected bookmark (paragraphs [0054, 0129-0130, 0137-0139, 0182, 0205-0206]).

13. As per claim 6, Lamkin discloses a system wherein separately accessible items of the local content are identified by respective local content locators, wherein the bookmark-includes a local content locator enabling starting the rendering of the local content title at a location indicated by the local content locator (paragraphs [0095, 0129-0130, 0136-0139]).

14. As per claim 7, Lamkin discloses a system wherein the bookmark includes a user identifying a user of the rendering apparatus, or a family ID identifying a family of users of the rendering apparatus or both user and family IDs (paragraphs [0182, 0195]).

15. As per claim 8, Lamkin discloses a system wherein the user interface is operative to present the stored bookmarks organized according to the user ID or family ID of the bookmarks or both user and family IDs, where in stored bookmarks that do not correspond to the user ID or the family ID are not presented (paragraphs [0038, 0130, 0134, 0182, 0195, 0219-0222]).

16. As per claim 10, Lamkin discloses a system wherein the system is operative to generate and store a bookmark in the bookmark list in response to an instruction from a user, wherein the generated bookmarks each include a server content locator identifying a server content item currently being rendered and a local content identifier associated with a local content item that

currently is accessible (0037-0038, 0062, 0095, 0102, 0129-0130, 0137-0139, 0165, 0172, 0205-0206, 0222).

17. As per claim 11, Lamkin discloses a system wherein the system is operative to generate bookmarks automatically (paragraphs [0037-0038, 0068, 0166, 0172, 0207]).

18. As per claim 12, Lamkin discloses a system wherein the system is operative to generate a bookmark for a server content item in response to an instruction to terminate rendering of a server content item to enable resumption of rendering of the server content item (paragraphs [0095, 0129-0130, 0137-0139, 0182, 0205-0206]).

19. As per claim 13, Lamkin discloses a system wherein the system is operative to generate a bookmark for a server content item in response to a user selecting a server content item for rendering, creating a history list of bookmarks, wherein the history list is assigned to a current user providing a personal history list for the user that is different than a personal history list for another user (paragraphs [0037, 0065, 0103, 0129, 0136-0138, 0205-0206]).

20. As per claim 14, Lamkin discloses a system wherein the rendering apparatus is operative to verify an authenticity of an accessible local content title and to render a server content item indicated by the server content locator of a bookmark only upon a positive outcome of the verification the accessible local content title (paragraph [0134]).

21. As per claim 15, Lamkin discloses a system wherein a local content title is stored on a removable storage medium including a medium identifier, wherein the local content identifier includes the medium identifier, wherein access to the local content title is determined based on a comparison with the medium identifier (paragraph [0134, 0182]).

22. As per claim 16, Lamkin discloses a system wherein the rendering apparatus is operative to generate the bookmarks (paragraphs [0037-0038, 0068, 0166, 0172, 0207]).

23. As per claim 17, Lamkin discloses a system wherein the server is operative to store the bookmarks (paragraphs [0037, 0065, 0103, 0129, 0165, 0237]).

24. As per claim 19, Lamkin discloses a method including acts of: presenting a list of bookmarks to a user enabling user-selection of one or more bookmarks in the presented list of bookmarks, wherein each bookmark in the list of bookmarks includes a local content identifier associated with a local content title of local content item accessible for rendering by a rendering apparatus local to the local content item, and a server content locator identifying a separately accessible server content item that is related to the local content title of the local content item (paragraphs [0062, 0065, 0095, 0104, 0130, 0134, 0137, 0166, 0172, 0205, 0206, 0237]); and in response to a user-selected bookmark in the presented list of bookmarks, rendering a server content item indicated by the server content locator of the user-selected bookmark conditional on having access to the local content title associated with the local content identifier of the user-selected bookmark, wherein if there is no access to the local content title, the server content item can not be rendered (paragraphs [0038, 0095, 0103-104, 0205-206, 130, 182, 0222-223, 0213, 0237]).

25. As per claim 20, Lamkin discloses computer readable memory medium comprising cause the processor to present a list of Bookmarks to a user enabling user-selection of one or more bookmarks in the presented list of bookmarks, wherein each bookmark in the list of bookmarks includes a local content identifier associated with a local content title of a local content item accessible for rendering by a rendering apparatus local to the local content item (paragraphs

[0062, 0065, 0095, 0165, 0172, 0221, 0222]), and a server content locator identifying a separately accessible server content item that is related to the local content title of the local content item; and in response to a user-selected bookmark in the presented list of bookmarks (paragraphs [0104, 0130, 0134, 0137, 0166, 0172, 0205, 0206, 0237]), render a server content item indicated by the server content locator of the user-selected bookmark conditional on having access to the local content title associated with the local content identifier of the user-selected bookmark, wherein if there is no access to the local content title, the server content item can not be rendered (paragraphs [0038, 0095, 0103-104, 0205-206, 130, 182, 0222-223, 0213, 0237]).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

26. Claims 2 and 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Lamkin et al. hereinafter Lamkin (U.S. Publication 2002/0078144) in view of Parker et al. hereinafter Parker (U.S. Publication 2003/0070176).

Lamkin teaches the invention substantially as claimed including presentation of media content from multiple media (see abstract).

27. As per claim 2, Lamkin discloses a system wherein the rendering apparatus includes a user interface for presenting to the user which bookmarks in the stored list of bookmarks are selectable at a given time for rendering of server content indicated by the respective bookmark at that time (paragraphs [0054, 0065, 0095, 0103-0104, 0129, 0130]).

Lamkin does not expressly disclose wherein the bookmark is presented grayed to indicate that it is not selectable.

However, in the same field of endeavor Parker discloses wherein the bookmark is presented grayed to indicate that it is not selectable (paragraphs [0057]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of invention was made to have incorporated Lamkin's teaching with the teaching of Parker. One would be motivated to implement such to notify user that if the content or bookmark or link is not accessible then it is will disabled or inactive or grayed. This will allow to the user to navigate the content more efficiently.

28. As per claim 18, Lamkin discloses a method comprising acts of: retrieving a local content identifier associated with a title of a local content item that accessible for rendering by a rendering apparatus local to the local content item (paragraphs [0062, 0065, 0095, 0165, 0172, 0221, 0222]); retrieving a server content locator, identifying a separately accessible server

content item that is related to the local content title; and generating and storing a new bookmark in a list of bookmarks to link the local content item to the related server content item, wherein the new bookmark includes the retrieved server content locator and corresponding local content identifier; and presenting the list of bookmarks (0095, 0103-104, 0129, 0136-0137, 0165-0167, 0172, 0205-206)).

Lamkin does not expressly disclose wherein the bookmark is presented grayed to indicate that it is not selectable.

However, in the same field of endeavor Parker discloses wherein the bookmark is presented grayed to indicate that it is not selectable (paragraphs [0057]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of invention was made to have incorporated Lamkin's teaching with the teaching of Parker. One would be motivated to implement such to notify user that if the content or bookmark or link is not accessible then it is will disabled or inactive or grayed. This will allow to the user to navigate the content more efficiently.

29. Claims 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Lamkin et al. hereinafter Lamkin (U.S. Publication 2002/0078144) in view of Glenn Evans hereinafter Evans (U.S. Patent 7200323).

30. As per claim 9, Lamkin discloses a system wherein the rendering apparatus is operative to present a bookmark or to render a remote item indicated by a bookmark, or present and render (paragraphs [0062, 0065, 0095, 0165, 0172, 0221, 0222]).

Lamkin does not expressly disclose wherein the bookmark includes a parental level indicator only if only if the parental level indicator of the bookmark matches a parental level setting of the rendering apparatus.

However, in the same field of endeavor Evans discloses wherein the bookmark includes a parental level indicator only if only if the parental level indicator of the bookmark matches a parental level setting of the rendering apparatus (col. 2 lines 5-26, col. 3 lines 23-38, col. 6 lines 36 - col. 7 lines 5).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of invention was made to have incorporated Lamkin's teaching with the teaching of Evans. One would be motivated to implement parental control indicator to identify if a particular content is restricted for viewing for restricting unwanted or harmful information. If the parental level matches with the indicated set level, only then content are legitimate for viewing.

### ***Conclusion***

31. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

32. The prior art made of record, in PTO-892 form, and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARZANA HUQ whose telephone number is (571)270-3223. The examiner can normally be reached on Monday - Friday: 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Application/Control Number: 10/565,819  
Art Unit: 2455

Page 16

/salah najjar/  
Supervisory Patent Examiner, Art Unit 2455